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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,535	05/13/1999	KENNETH A. PARULSKI	73251/PRC	4050

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PATENT LEGAL STAFF
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EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/24/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/313,535

Applicant(s)

PARULSKI ET AL.

Examiner

Aung S. Moe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on the communication filed on 1/7/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 26-31, 33 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 26-31, 33, and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This application has been transferred to another examiner.
2. After carefully reviewing the claims 1-15, 26-31, 33, and 35-38 presented for the Appeal, the Examiner has realized some of the claimed limitations of the independent claims 1 and 30 are not described in the Specification in such a way as to enable one skilled in the art as required by 35 U.S.C. 112. In view of this, present claimed invention as recited in claims 1-15, 26-28, 30-31 and 35-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner wishes to apologize for the inadvertent oversight and any inconvenience to the applicant is regretted.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1-15, 26-28, 30, 31, 35-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Regarding claims 1 and 30, the present claimed invention recited “generating an image file including *the digital image data* corresponding to *the captured images* and a separate tag name file for each selected *tag name* (i.e., *noted that “an image file” already contains “the captured digital images” and “tag name file”*); “storing each of the image files into the tag name file (i.e. *noted that this “tag name file” is already stored in the “image file”*) corresponding to the selected *tag name*, wherein the removable memory stores two or more tag name files with each tag name file storing two or more image files”.

In view of the above, it is unclear how “an image file” which containing “the captured images” and “tag name file” is later stored into the “tag name file” (noted that the “image file” already contains this “tag name file”)? As discussed in page 7 lines 45-68 of the specification, the “image files” containing the captured images and the “tag name” are generated and later the “image files” having “the image data” and “tag name” are stored into the respective “tag name files” as shown in Figs. 10, thus, the Examiner asserts that the “image files” having both “the captured images” and the “tag name file” are later stored in the same “tag name file” as claimed are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For the purpose of the examination, the Examiner will consider that “the image file(s)” is generated to include “the captured image(s)” and “tag name” and then stored the each of the “image file(s)” into the “tag name file(s)” as described in the page 7 of the disclosure, and such features are clearly disclosed in the combination of Yamada et al. and Sarbadhikari et al as discussed below, thus, the Examiner will maintain the rejection as follows:

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Response to Arguments

5. The Applicants' arguments filed April 16, 2001 have been fully considered by the Examiner but they are not deemed to be persuasive.

The Applicants argue that the images stored by the Yamada et al. camera are transferred to a reproduction unit that is internal to the camera. However Yamada et al. disclose on the last three lines of Section 0021 that the reproducing operations may be carried out by employing a "separately provided reproducing apparatus", a separately provided apparatus clearly being external to the camera.

The Applicants argue that Yamada et al. fail to disclose or suggest assigning selected tag names to each captured image wherein each tag name provides classification of two or more captured images. However Yamada et al. disclose this feature in that the codes are based on sorts of photographic objects being recorded in correspondence with the images of the objects, in other words plural sorts of objects, each having plural images (Section 0003); "multiple reproduction every designated classification code (Section 0004); "sequentially reproducing an image when a classification code is designated by the classification code designating means during reproducing operation" (Section 0004); "while a classification code is designated, images are reproduced one by one in accordance with a designated order" (Section 0011); "sequentially read out the pictures from the memory circuit 20 in a sequential order, depending upon the classification code" (Section 0012).

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The Applicants argue that Yamada et al. do not disclose or suggest means responsive to a single request for identifying a particular tag name for transferring all of the image files stored in the corresponding tag name file to an external computer via a cable interface.

In response, the CPU in Yamada et al. instructs the memory control circuit so as to sequentially read out the pictures from the memory circuit in a sequential order, depending on the classification code (Section 0012). Therefore a single request that identifies a particular tag name results in the transfer of all of the image files stored in accordance with the corresponding tag file name. This transfer may be to a "separately provided reproducing apparatus" (Section 0021), therefore clearly suggesting an external computer, such a transfer inherently requiring a cable for the transmission of the image data.

The Applicants argue that Sarbadhikari's direction of image transfer is to the camera and not from the camera. However, Sarbadhikari specifically teaches image data transfer from the camera (Column 11, Lines 22-26).

The Applicants argue that Sarbadhikari does not discuss selective downloading of images from the camera to the computer. However, as discussed previously, Yamada discloses selective image reproduction..

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The Applicants argue that Sarbadhikari does not teach or suggest image classification using tag names. However Yamada discloses this feature in the use of classification codes as discussed previously.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 9, 10, 12, 13, 15, 28-31, 33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (No. Hei 5-344460) in view of Sarbadhikari et al. (US 5,477,264).

As for claim 1, Yamada discloses an electronic still camera connected to a reproduction unit comprising:

an image sensor (p.3; electronic still camera; see figure 1);

a converter stage (p. 23 section 21, lines 1-6));

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a memory of storing two or more tag names providing classification of images (p. 6, lines 1-9);

a control means for selecting one of the stored tag names for each of the images (key input unit; 8);

a processor for assigning the selected tag names to each of the images captured by the image sensor, wherein each tag name provides classification of two or more captured images (p. 7, lines 2-15);

means for generating an image file including the digital image data corresponding to the captured images and a separate tag name for each selected tag name (changing the classification code of an image by deleting a pre existing classification code; page 17, section 14 lines 1-20);

a removable memory (14) for storing each of the image files into tag name file corresponding to the selected tag name, wherein the removable memory stores two or more tag name files with each tag name file storing two or more image files (p 12, lines 5-26; p. 16, lines 9-14); and

means responsive to a single computer initiated request for identifying a particular tag name for transferring all of the image files stored in the corresponding tag name file (p. 16, lines 9-14) to an external reproducing device (p. 23, last 3 lines), such an operation inherently requiring a cable.

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Yamada fails to specifically disclose that the separate reproducing device is a computer. However, it is well known in the art to connect a camera with a computer for the transfer of image data thereto as taught by Sarbadhikari et al. (Column 11, Lines 22-26).

In the same field of endeavor, Sarbadhikari et al. disclose a camera connected to a computer via a cable whereby image data is transferred from the camera to the computer (Column 11, Lines 22-26). Processing of Yamada's image data in a computer would clearly enable increased sophistication of image processing of the taken images and would increase the degree to which the processed images would be available to other processing, reproducing and/or viewing facilities, thereby clearly increasing the utility of the device. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that a camera to connect the Yamada camera to an external computer via cable in order to increase the utility of the device.

As for claim 2, Yamada discloses the tag names are input by the user and then stored in the memory (can be externally generated by speaking or keying). However, Yamada fails to disclose an embodiment where default tag names are stored in firmware of the memory. However the Sarbadhikari et al. camera uses instruction code stored in a firmware. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that tag names can be stored in a firmware memory, as such would not overly increase the cost of the system and such a memory is source for camera operating information.

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As for claim 3-4, Yamada discloses that the tag names are input by a control means and then stored in the memory (can be externally generated by speaking or keying). Yamada also discloses a LCD (#7) which is a status display which shows tag names. However, Yamada fails to disclose an embodiment where default tag names are stored in firmware of the memory. Sarbadhikari et al. disclose the claimed features, as illustrated in figure 9. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature as taught by Sarbadhikari et al. which helps ease the user in deriving tag names/overlays for images and adds an quick help/ default feature to the system .

As for claim 5, the files are stored in a section of the memory as displayed by the track map display (see page 1 of Yamada).

As for claim 6, Yamada fails to disclose that the images are displayed with titles/classifications overlaid on the images. However, Sarbadhikari et al. disclose that the tag names are overlaid on the image data (col. 10, lines 25-35). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature as taught by Sarbadhikari et al., as another way of confirming the classification of each particular image and not destroy the image data.

As for claim 7, in another embodiment (see figure 10), the user may input classification codes by speaking (voice recognition) or key input (Section 0017).

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As for claim 9, see figure 7-8.

As for claims 10 and 12, see Examiner's notes in claim 7 and 1.

As for claim 13, see Examiner's notes in claim 1. Additionally, Yamada discloses the tag names are input by the user and then stored in the memory (can be externally generated by speaking or keying).

As for claim 15, speech input elements #29 and 30 in figure 10. Sarbadhikari et al., in the camera connected to computer embodiment, discloses that image overlays (customized tag names) can be uploaded to the computer and then downloaded to the camera via cable into a signal port in the camera . Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that tag name information can be externally input from a signal port in the camera via an input unit on the camera side or from the computer. Such allows multiple access to data manipulation, thus system flexibility.

As for claim 28, see Examiner's notes in claim 15.

As for claims 29-30, see Examiner's notes in claim 1.

As for claims 31 and 33, the control means is a user control means.

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As for claims 35 and 37, the reproduction unit selects the tag name according the user request in Yamada. In Sarbadhikari et al., the tag names may also be selected on the computer according to user request (see abstract).

As for claims 36 and 38, see Examiner's notes in claims 35, 37 and 1.

7. Claims 8, 11, 14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Sarbadhikari et al., further in view of Yoshida (US 5,515,101).

As for claim 8, see Examiners notes in claim 7. In addition, Yamada and Sarbadhikari et al. fail to specifically disclose the tag names are alphanumeric names. Although, it is well known in the art, as taught by Yoshida. In the same field of endeavor, Yoshida discloses a camera system(see figure 9) for capturing images comprising a memory means (7) for storing a plurality of tag names (titles: wedding, baby etc) providing classification of the images by subject; and a processor means (26) for having the capability of assigning the tag names to the images captured by the image sensor, each category provide a subject classification of one or more images (col. 2, lines 59-67). At col. 8, lines 60-65, Yoshida discloses that titles overlaid on image can be alpha numeric (text strings). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that tag names can be alphanumeric as it increases the quantity of available unique for categorizing images.

As for claim 11, see Examiners notes in claim 9 and 8.

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As for claim 14, see Examiner's notes in claim 13. In addition, Yoshida discloses the tiles are stored with attribute which is a date and time information from a internal clock. (Col. 3, lines 1-55).

As for claim 26, see Examiner's notes in claim 7. In addition, Yoshida discloses a memory is loadable , thus inherently signal port.

As for claim 27, see Examiner's notes in claim 15. In addition, the external computer can write tag names onto a card and transfer then to the camera off the card. See figures 8A and 10 of Yoshida.

Conclusion

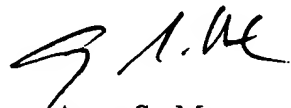
8. Applicants' amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe
Primary Examiner
Art Unit 2612

A. Moe
March 19, 2004